

104TH CONGRESS
1ST SESSION

S. 776

[Report No. 104–182]

To reauthorize the Atlantic Striped Bass Conservation Act and the
Anadromous Fish Conservation Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9 (legislative day, MAY 1), 1995

Mr. CHAFEE (for himself and Mr. KERRY) introduced the following bill; which
was read twice and referred to the Committee on Commerce, Science, and
Transportation

MAY 9 (legislative day, MAY 1), 1995

Ordered that if and when reported by the Committee on Commerce, Science,
and Transportation, the bill be sequentially referred to the Committee on
Environment and Public Works for a period not to exceed 20 session days
to report or be discharged and placed on the Senate Calendar

DECEMBER 7, 1995

Reported by Mr. PRESSLER, with an amendment and an amendment to the
title

[Strike out all after the enacting clause and insert the part printed in *italic*]

Referred to the Committee on Environment and Public Works pursuant to the
order of May 9, 1995 for a period not to exceed 20 session days to report
or be discharged

A BILL

To reauthorize the Atlantic Striped Bass Conservation Act
and the Anadromous Fish Conservation Act, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Striped Bass Act of
 5 1995”.

6 **SEC. 2. ATLANTIC STRIPED BASS CONSERVATION ACT.**

7 Section 7(a) of the Atlantic Striped Bass Conserva-
 8 tion Act (Public Law 98—613; 16 U.S.C. 1851 note) is
 9 amended by striking “1986” and all that follows through
 10 “1994” and inserting “1995 through 1998”.

11 **SEC. 3. ANADROMOUS FISH CONSERVATION ACT.**

12 Section 7(d) of the anadromous Fish Conservation
 13 Act (16 U.S.C. 757g(d) is amended by striking “1991,
 14 1992, 1993, and 1994” and inserting “1995 through
 15 1998”.

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Striped Bass Conserva-*
 18 *tion Act Amendments of 1995”.*

19 **SEC. 2. REAUTHORIZATION.**

20 *Section 7(a) of the Atlantic Striped Bass Conservation*
 21 *Act (16 U.S.C. 1851 note) is amended by striking “For each*
 22 *of fiscal years 1986,” and all that follows through “1994,”*
 23 *and inserting “For each of fiscal years 1995 through*
 24 *1998,”.*

1 **SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) *COMMISSION MONITORING OF IMPLEMENTATION OF*
 3 *INTERSTATE PLAN.*—Section 4(a)(1) of the Atlantic
 4 *Striped Bass Conservation Act* (16 U.S.C. 1851 note) is
 5 amended in the material preceding subparagraph (A) by
 6 striking “of fiscal year 1987, and of each fiscal year there-
 7 after,” and inserting “of each fiscal year,”.

8 (b) *REPEAL OF INOPERATIVE PROVISIONS.*—Sections
 9 8 and 10 of the Atlantic Striped Bass Conservation Act (16
 10 U.S.C. 1851 note) are repealed.

11 **SEC. 4. PUBLIC PARTICIPATION IN PREPARATION OF PLANS**
 12 **AND AMENDMENTS TO PLANS FOR ATLANTIC**
 13 **STRIPED BASS.**

14 The Atlantic Striped Bass Conservation Act (16
 15 U.S.C. 1851 note), as amended by section 3(b) of this Act,
 16 is further amended by adding after section 7 the following
 17 new section:

18 **“SEC. 8. PUBLIC PARTICIPATION IN PREPARATION OF**
 19 **PLANS AND AMENDMENTS TO PLANS FOR AT-**
 20 **LANTIC STRIPED BASS.**

21 “The Commission shall use the procedures developed
 22 pursuant to section 805(a) of the Atlantic Coastal Fisheries
 23 Cooperative Management Act (16 U.S.C. 5104(a) et seq.)
 24 to ensure an adequate opportunity for public participation
 25 in the preparation of any plan for the management of At-
 26 lantic Striped Bass and any amendment to such a plan

1 *(including any amendment to the Interstate Fisheries Man-*
 2 *agement Plan for Striped Bass, dated October 1, 1981).’’.*

3 **SEC. 5. TRANSFER OF EXISTING PROVISION TO ATLANTIC**
 4 **STRIPED BASS CONSERVATION ACT.**

5 *(a) IN GENERAL.—So much of section 6 of the Act en-*
 6 *titled “An Act to authorize appropriations to carry out the*
 7 *Atlantic Striped Bass Conservation Act for fiscal years*
 8 *1989 through 1991, and for other purposes” (approved No-*
 9 *vember 3, 1988; Public Law 100-589; 102 Stat. 2986) as*
 10 *precedes subsection (g) of that section—*

11 *(1) is transferred from that Act to the Atlantic*
 12 *Striped Bass Conservation Act (16 U.S.C. 1851 note);*

13 *(2) shall appear immediately after section 8 of*
 14 *the Atlantic Striped Bass Conservation Act, as*
 15 *amended by section 4 of this Act; and*

16 *(3) is redesignated as section 9 of the Atlantic*
 17 *Striped Bass Conservation Act.*

18 **SEC. 6. EXTENSION OF AUTHORIZATION FOR STRIPED BASS**
 19 **POPULATION STUDIES; TRANSFER OF PROVI-**
 20 **SION TO ATLANTIC STRIPED BASS CON-**
 21 **SERVATION ACT.**

22 *(a) IN GENERAL.—The Atlantic Striped Bass Con-*
 23 *servation Act (16 U.S.C. 1581 note) is amended by adding*
 24 *at the end thereof the following:*

1 ***“SEC. 10. STRIPED BASS STUDIES.***

2 “(a) *SCOPE OF STUDIES.*—*The Secretaries shall co-*
 3 *operate with States and other non-Federal interests in con-*
 4 *ducting scientific studies of the anadromous stocks of Atlan-*
 5 *tic striped bass. These studies shall include, but not be lim-*
 6 *ited to—*

7 “(1) *estimates of recruitment, spawning poten-*
 8 *tial, mortality rates, stock composition of coastal fish-*
 9 *eries, and other population parameters;*

10 “(2) *investigations of factors affecting abundance*
 11 *of striped bass, including analyses of the extent and*
 12 *causes of mortality at successive life stages;*

13 “(3) *monitoring population abundance and age*
 14 *and sex composition of striped bass stocks based on*
 15 *fishery-dependent and fishery-independent data; and*

16 “(4) *the effects of water quality and other habi-*
 17 *tat changes on the recruitment, spawning potential,*
 18 *mortality rates, and population abundance of the*
 19 *Delaware River striped bass population.*

20 “(b) *ANNUAL REPORTS TO CONGRESS.*—*The Secretar-*
 21 *ies shall make annual reports to the Congress concerning*
 22 *the progress and findings of the studies conducted pursuant*
 23 *to subsection (a) of this section. Such reports shall, where*
 24 *appropriate, contain recommendations of actions which*
 25 *could be taken to improve the population of striped bass.*

1 “(c) *IMPLEMENTATION OF CONDUCT OF STUDIES.*—
 2 *For purposes of conducting the studies required by this sec-*
 3 *tion, the Secretaries may enter into agreements with States*
 4 *and other non-Federal interests in accordance with the pro-*
 5 *visions of the first section of the Anadromous Fish Con-*
 6 *servation Act (16 U.S.C. 757a) or they may carry out such*
 7 *studies directly, as they deem appropriate: Provided, That*
 8 *any agreement entered into pursuant to this subsection*
 9 *shall be effective only to such extent or in such amounts*
 10 *as are provided in advance in appropriation Acts.*

11 “(d) *FUNDING OF STUDIES.*—*There are authorized to*
 12 *be appropriated for the purposes of carrying out the studies*
 13 *described in subsection (a) of this section not to exceed*
 14 *\$1,000,000 for each of the fiscal years 1995, 1996, 1997,*
 15 *and 1998. Funds authorized to be appropriated by this sub-*
 16 *section are in addition to any funds authorized by section*
 17 *4 of the Anadromous Fish Conservation Act (16 U.S.C.*
 18 *757d) which may be used for projects involving or affecting*
 19 *striped bass.”.*

20 “(b) *CONFORMING AMENDMENT.*—*The Anadromous*
 21 *Fish Conservation Act (16 U.S.C. 757a et seq.) is amended*
 22 *by striking section 7.*

- 1 Amend the title so as to read: An Act to amend the
- 2 Atlantic Striped Bass Conservation Act, and for other pur-
- 3 poses.

